

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

THE UNITED STATES OF AMERICA,)
Plaintiff,) Civil Action No. 05-10112 JLT
v.)
THE COMMONWEALTH OF)
MASSACHUSETTS, *et al.*)
Defendants, and)
THE COALITION FOR BUZZARDS BAY,)
Intervenor-Defendant)
THE AMERICAN WATERWAYS OPERATORS,)
INTERNATIONAL ASSOCIATION OF)
INDEPENDENT TANK VESSEL OWNERS,)
CHAMBER OF SHIPPING OF AMERICA, and)
BIMCO,)
Intervenor-Plaintiffs)
v.)
MITT ROMNEY, Governor of Massachusetts, and)
ROBERT W. GOLLEDGE, JR., Commissioner of)
the Massachusetts Department of Environmental)
Protection,)
Defendants.)

)

INTERVENOR-PLAINTIFFS' MOTION FOR JUDGMENT ON THE PLEADINGS

COME NOW Intervenor-Plaintiffs, The American Waterways Operators (“AWO”), International Association of Independent Tank Vessel Owners (“INTERTANKO”), Chamber of Shipping of America (“CSA”), and BIMCO (the “Intervenor-Plaintiffs”), by and through their undersigned counsel, and respectfully move this Court to enter judgment on the pleadings in favor of Intervenor-Plaintiffs as to all of Intervenor-Plaintiffs’ claims, pursuant to Federal Rule of Civil Procedure 12(c), for the reasons set forth in the accompanying Memorandum.

CERTIFICATION UNDER LOCAL RULE 7.1(A)(2)

Pursuant to Local Rule 7.1(A)(2), on June 23, 2005, Jonathan Benner conferred by telephone with counsel for State Defendants and Intervenor-Defendant the Coalition for Buzzards Bay in an attempt to resolve or narrow the issues presented in this motion. Counsel for those parties represented to Jonathan Benner that those parties would oppose this Motion.

REQUEST FOR ORAL ARGUMENT

Intervenor-Plaintiffs hereby respectfully request oral argument for this motion.

Respectfully submitted,

C. Jonathan Benner
 Sean T. Connaughton
 David E. Benz
 TROUTMAN SANDERS LLP
 401 9TH Street, NW., Suite 1000
 Washington, DC 20004
 Tel: (202) 274-2880
 Fax: (202) 654-5647

/s/ Andrew J. Hachey
 George J. Skelly (BBO #546797)
 Andrew J. Hachey (BBO #567183)
 NIXON PEABODY LLP
 100 Summer Street
 Boston, MA 02110
 Tel: (617) 345-1000
 Fax: (617) 345-1300

Of Counsel

*Attorneys for The American Waterways Operators,
 International Association of Independent Tanker
 Owners, Chamber of Shipping of America, and
 BIMCO*

Dated: June 23, 2005